

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3221 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- NAUTAN District- Siwan

CHANDRAVAN MISHRA S/O CHANDESHWAR MISHRA Resident of
village- Khap Mishrauli, P.S.- Nautan, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3391 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- NAUTAN District- Siwan

SUSHIL MISHRA Son of Chandravan Mishra R/V- Khap Mishrauli, P.S-
Nautan, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sanjhari Devi Wife of Ramesh Sah Gond Resident of village-Madhavlal
Mathya,P.S-Hathuwa,District-Gopalganj

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3221 of 2022)

For the Appellant/s : Mrs.Kumari Anupam

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 3391 of 2022)

For the Appellant/s : Mrs.Kumari Anupam

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 16-05-2023 Heard the parties.

Learned counsel for the appellants is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the



appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the orders dated 11.08.2022 and 08.03.2022 respectively, in connection with Nautan P.S.Case No. 230 of 2021 registered for the offences punishable under Sections 304B and 120B/34 of the Indian Penal Code and Sections 3(1) (r)(s)/3/2(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellants has been rejected.

As per allegation, the daughter of the informant was married to co-accused Devnath Tiwary, four years prior to lodging of the FIR. There is allegation that the accused persons named in the FIR used to assault her daughter and they committed her dowry death.

The learned counsel for the appellants has submitted that appellant Chandravan Mishra is maternal grandfather of the husband of the deceased, while the appellant Sushil Mishra is the maternal uncle of the husband. They have no concern with the matrimonial matters of the couple. They reside separately having no concern with day-to-day affairs of the couple and have been falsely implicated in this case merely because they are the relatives of the husband of the deceased. She has submitted further that the appellant Chandravan Mishra is an



old person, who is 80 years of age.

On the other hand, the learned counsel for the informant has vehemently opposed the prayer for bail and submitted that all the accused persons, including the appellants, committed dowry death of the deceased and they are involved in the alleged occurrence.

The appellant Chandravan Mishra is maternal grandfather of co-accused Devnath Tiwary, who is the husband of the deceased and the appellant Sushil Mishra is maternal uncle of said Devnath Tiwary having no concern with day-to-day affairs of the couple are still in custody since 14.05.2022 and 15.10.2021, respectively.

Considering the facts and circumstances as well as period of incarceration of the appellants since 14.05.2022 and 15.10.2021, the appeal is allowed and the impugned orders dated 11.08.2022 and 08.03.2022 are set aside. Accordingly, both the appellants, above-named shall be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions-cum-Special Judge, Siwan in connection with Nautan P.S. Case No. 230 of 2021.

Office shall ensure that all the defects are removed by



the appellants within the stipulated time provided hereinabove,
failing which the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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